

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DAVID GOMEZ and ESMA GOMEZ

Plaintiffs,

vs.

NO. D-202-CV-2017-06330

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

COMPLAINT FOR UNINSURED MOTORIST BENEFITS
AND ATTORNEYS' FEES

COME NOW Plaintiffs, by and through their attorneys, Whitener Law Firm, P.A., and for their Complaint for Uninsured Motorist Benefits and Attorneys' Fees, state:

1. Plaintiffs reside in the County of Bernalillo, State of New Mexico.
2. Defendant State Farm Mutual Automobile Insurance Company ("State Farm") is a foreign corporation doing business in Bernalillo County, State of New Mexico.
3. This court has jurisdiction over the parties and the subject matter herein, and venue is properly laid in Bernalillo County, State of New Mexico.
4. On or about July 16, 2016, the rear of Plaintiffs' vehicle was struck due to the negligence of an uninsured motorist.
5. On or about July 16, 2016, Plaintiffs were insured under a policy issued by State Farm for which underinsured motorist coverage was afforded each of them for bodily injuries each suffered in the above- referenced motor vehicle collision.
6. As a direct and proximate result of the negligence of the uninsured motorist, Plaintiffs each have or will sustain damages including, but not limited to: medical expenses; pain and suffering;

attorneys' fees, interest; and costs.

7. Because State Farm has acted unreasonably in failing to pay each Plaintiff's first party claim, each Plaintiff is also entitled to his/her attorneys' fees pursuant to §39-2-1 NMSA 1978.

WHEREFORE, each Plaintiff respectfully requests a reasonable award of uninsured motorist benefits in an amount to be proven at trial or determined by the Court, attorneys' fees, costs, and interest, along with such other and further relief as the Court deems just and proper.

Respectfully submitted:


WHITENER LAW FIRM, P.A.

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